

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 16, 2002

H023310 PEOPLE v. MEYERS

H023983 MEYERS on Habeas Corpus

The judgment is affirmed. The petition for a writ of habeas corpus is denied. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)

Filed September 16, 2002

H023171 PEOPLE v. HOPKINS

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)

Filed September 16, 2002

H022931 PEOPLE v. ZUNIGA

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)

Filed September 16, 2002

TUESDAY, SEPTEMBER 17, 2002

H023413 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)

Filed September 17, 2002

H021635 PEOPLE v. MARTINEZ

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: September 17, 2002

\*Before Premo, Acting P.J., and Elia, J.

H021748 PEOPLE v. ROAM

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed September 17, 2002

H023416 PEOPLE v. MIRSA R.

The dispositional order is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed September 17, 2002

Sixth Appellate District

San Jose, California

Tuesday, September 17, 2002 (continued)

H022124 PEOPLE v. ORTIZ

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed September 17, 2002

H022139 PEOPLE v. OLIVOS

The judgment is reversed and the matter is remanded for resentencing, for a determination whether defendant is entitled to custody credits pursuant to section 4019, and for calculation of any such credits. On remand, the trial court shall not impose a prison sentence longer than six years, eight months. After resentencing, the trial court shall prepare a new abstract of judgment and send a certified copy thereof to the Department of Corrections. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)  
Filed September 17, 2002

WEDNESDAY, SEPTEMBER 18, 2002

H023720 PEOPLE v. MIJANGOS

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed September 18, 2002

H022940 PEOPLE v. ALATORRE

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed September 18, 2002

H022570 PEOPLE v. DOYLE

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)  
Filed September 18, 2002

Sixth Appellate District

San Jose, California

Wednesday, September 18, 2002 (continued)

H024259 PEOPLE v. NIETO

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed September 18, 2002

H022390 PEOPLE v. MEARIS

For the foregoing reasons, we affirm the orders and judgment below. (not published)  
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed September 18, 2002

H022643 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)  
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed September 18, 2002

H022223 PEOPLE v. DAVIS

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: September 18, 2002

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Rushing, J.

H024023 PEOPLE v. MANUEL B., a minor

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: September 18, 2002

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Rushing, J.

Sixth Appellate District

San Jose, California

THURSDAY, SEPTEMBER 19, 2002

H022349 PEOPLE v. MILLER

The judgment is reversed, and the matter is remanded. If the prosecution does not elect to retry the Penal Code section 667.61, subdivision(d) One Strike allegation alleged in conjunction with Counts 1 and 2 within 30 days, the trial court shall resentence defendant in accordance with the views expressed in subdivisions I and J of the discussion portion of this opinion. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed September 19, 2002

H020888 DVP TECHDOC, INC. v. FRADIN; GUTHMAN, et al.

By the Court\*:

Appellants' petition for rehearing is denied.

Permission to file attachment designated as Exhibit A to the petition for rehearing is denied.

Filed: September 19, 2002

\*Before Premo, Acting P.J., Elia, J. and Mihara, J.

H022276 PEOPLE v. ROBINSON

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed September 19, 2002

Sixth Appellate District

San Jose, California

Thursday, September 19, 2002 (continued)

H023083 MARTIN v. SANTA CLARA UNIFIED SCHOOL DISTRICT

The judgment is reversed. Because we find Martin had a duty to mitigate damages by seeking comparable employment while on a compulsory leave of absence pursuant to Education Code section 44940, subdivision (e), and because we find no evidence of reasonable diligence to fulfill this duty, the District is entitled to a reduction in damages for back pay by an amount representing what Martin could have earned from comparable employment during the period of her suspension when comparable employment was available. The trial court may take further evidence and may make such further findings as may be supported thereby. The matter is therefore remanded so that the trial court may determine the appropriate amount of projected earnings to be applied in mitigation of the damages awarded. The parties are to bear their own costs on appeal. (published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed September 19, 2002

H022335 PEOPLE v. NIEBLAS

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Bamattre-Manoukian, Acting P.J., Premo, J.)  
Filed September 19, 2002

H024209 PEOPLE v. LEYVA

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Elia, J.)  
Filed September 19, 2002

FRIDAY, SEPTEMBER 20, 2002

H022983 PEOPLE v. RAMIREZ

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed September 20, 2002

Sixth Appellate District

San Jose, California

Friday, September 20, 2002 (continued)

H023537 MARRIAGE OF BEN-YEHUDA AND LEVIT

The order denying the request for modification is affirmed.  
(not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed September 20, 2002

H023860 ACHKAR v. HILTON, et al.

The judgment is affirmed. Attorney fees are awarded to defendant as prevailing party and the matter is remanded for hearing to determine the amount. Sanctions against plaintiff of \$7,500 to defendant are ordered payable immediately. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)

Filed September 20, 2002